

## **DECISION 07-03**

### **DECISION ON THE PETITION BY ANDREW GATESMAN, 22 BULETTE ROAD**

A public hearing of the Acton Board of Appeals was held in the Town Hall on Monday, July 9 at 7:30 P.M. on the petition by Andrew Gatesman for a VARIANCE from the requirements of Section 5 Table of Standard Dimensional Regulations of the Zoning Bylaw to allow the construction of a shed 5 feet from the rear property line where 20 feet is required. The lot is located at 22 Bulette Road. Map D2/Parcel 9.

Board members present at the hearing were Cara Voutselas, Acting Chairperson; Richard Fallon, Alternate Member; Francis Mastroianni, Alternate Member; and Garry Rhodes, Building Commissioner. Also present was the petitioner Andrew Gatesman.

Ms. Voutselas opened the hearing and read the contents of the file. Included in the file was a memo from Town Planner, Roland Bartl, stating that the Planning Department had no concerns regarding the petition.

Petitioner Andrew Gatesman presented the petition. He explained that he would like to build a 16' by 22' shed to be located 5 feet from the rear property line. Mr. Gatesman stated that this location within the setback is required because no other location on his property makes sense. He could move it closer to the house, but that would require relocating a gas line and possibly a stone wall. In addition, one part of the property is low and wet and another has a 12' hill. Although the shed could be placed in the front of the lot, Mr. Gatesman stated that that location would be impractical and would be unattractive. He felt that locating the shed in front would have a negative impact on his neighbors and potentially lower both his and his neighbors' property values.

The Board of Appeals, after considering the materials submitted with petition, together with the information developed at the hearing finds that:

1. The lot located at 22 Bulette Road is located in the R-8 zoning district and has a 20' rear setback requirement.
2. The Petitioner seeks a VARIANCE from the rear setback requirement to locate a shed 5 feet from the rear property line.
3. Although the petitioner presented compelling evidence that his proposed location is reasonable, the petitioner did not establish that the lot at 22 Bulette Road is unique with respect to its soil conditions, shape or topography.
4. Desirable relief may not be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw.

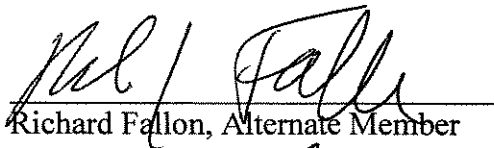
Therefore, the Board of Appeals, after reviewing the available materials and based upon the above findings, voted to DENY the VARIANCE from Section 5, Table of Standard Dimensional Regulations, of the Zoning Bylaw to allow the construction of a shed within the rear setback requirement.

Any person aggrieved by this decision may appeal pursuant to Massachusetts General Laws Chapter 40A, Section 17 within 20 days after this decision is filed with the Acton Town Clerk.

#### **TOWN OF ACTON BOARD OF APPEALS**



Cara Voutselas, Acting Chairperson



Richard Fallon, Alternate Member



Francis Mastroianni, Alternate Member